

**NEAL T.  
WIENER**

ATTORNEY AT LAW  
9100 WILSHIRE BOULEVARD  
SUITE 615 • EAST TOWER  
BEVERLY HILLS, CALIFORNIA 90212  
(310) 276-2889 / FAX (310) 276-0774

November 1, 2005

**SIXTY-DAY NOTICE OF VIOLATION**

**VIA FEDERAL EXPRESS**

Michael Bentley, Chief Operations Officer  
Sierra Mountain Minerals, Inc.  
1501 West Broadway, Suite 400  
Vancouver, BC Canada V6J 4Z6

**VIA CERTIFIED MAIL**

Sierra Mountain Minerals, LTD.  
Michael Bentley and Carol Kriegel  
c/o Richard W. Harris, Resident Agent for Service  
6121 Lakeside Dr., Suite 260  
Reno, NV 89511

Carol Kriegel, RN,  
Vice President Marketing  
Sierra Mountain Minerals  
313 West Mendenhall Street, Suite A  
Bozeman, MT 59715

Dear Mr. Bentley and Ms. Kriegel:

California's Proposition 65 (which can be found at sections 25249.6 *et seq.* of the Health & Safety Code) is designed to promote awareness of potential exposures to toxic chemicals and improve human health by reducing or eliminating hazardous substances contained in consumer products or produced by industrial activities. Attached to this letter is a copy of "Proposition 65: A Summary," which has been prepared by the State of California, Office of Environmental Health Hazard Assessment ("OEHHA"). OEHHA may be contacted at (916) 445-6900. OEHHA's web site pertaining to Proposition 65 may be found at: <http://www.oehha.ca.gov/prop65.html>.

The Law Offices of Neal T. Wiener ("NTW") and Jarrow Formulas, Inc. ("Plaintiff") hereby give you notice that Sierra Mountain Minerals, Inc. and Sierra Mountain Minerals, LTD and Sierra Mountain Minerals have been, are currently, and threaten to be in violation of California Health & Safety Code § 25249.6; this sixty-day notice is sent to you in compliance with § 25249.7(d) of the California Health & Safety

**ATTORNEY GENERAL COPY CONTAINS OFFICIAL INFORMATION  
PURSUANT TO EVIDENCE CODE § 1040**

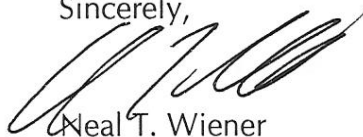
Code. Both NTW and Plaintiff are private enforcers of Proposition 65, as provided by California Health & Safety Code § 25249.7(d). You may contact both NTW and Plaintiff at the above listed address and telephone number; I am counsel for and represent Plaintiff in this matter. This office hereby gives you notice that your company is in violation of Cal. Health & Safety Code § 25249.6, otherwise known as Proposition 65. This office is a private enforcer of Proposition 65, and may be contacted at the above listed address and telephone number.

The above-referenced violations occur and have occurred when consumers purchase and ingest SierraSil Joint Formula ("Capsules"). The Capsules contain lead and lead compounds ("lead") and mercury, chemicals known to the State of California to cause reproductive toxicity. California residents are exposed to lead and mercury when they ingest Capsules. This lead and mercury is then absorbed into the body through the gastrointestinal tract from which it causes the harm noted. The Capsules also contain arsenic, a chemical known to the State of California to cause cancer. California residents are exposed to arsenic when they ingest Capsules. This arsenic is then absorbed into the body through the gastrointestinal tract from which it causes the harm noted.

One example of these types of products is SierraSil Joint Formula, labeled as containing 2 grams of SierraSil per serving. The other products are: SierraSil Joint Formula Powder and SierraSil Joint Plus, each stated to contain 2 grams of SierraSil per serving; and SierraSil Osteo Formula, stated to contain 2.170 grams of the same primary ingredient, SierraSil. These dietary supplements come in various forms, such as, capsules and bulk powder. The SierraSil Joint Formula product exposes the consumers who ingest them to: •lead in a dose far exceeding the allowable lead per daily dose, approximately 22 times the allowable lead per dose, •to mercury in a dose approximately seven (7) times the allowable mercury per daily dose, and •to arsenic in a daily dose approximately four (4) times the allowable arsenic per daily dose. The above-referenced exposures occur via the oral ingestion and bioaccumulation-body burden routes. Upon information and belief, the SierraSil ingredient in the products SierraSil Joint Formula Powder, SierraSil Joint Plus, and SierraSil Osteo Formula has the same harmful exposures of lead, mercury and arsenic to consumers who ingest them as does the ingestion of the SierraSil Joint Formula.

Your business did not and has not provided consumers with clear and reasonable warnings before it exposes them to lead, mercury and arsenic as required by Health & Safety Code § 25249.6. These violations have occurred every day since at least sometime after November 1, 2001, and will continue every day until the lead, mercury and arsenic is removed from the Capsules or until clear and reasonable warnings are given, as required by Proposition 65. The Proposition 65 violations noted herein occur in each of California's 58 counties, or in such Counties as your Capsules and products are sold or consumed.

Sincerely,



Neal T. Wiener

NTW:rc  
Enclosures

**CERTIFICATE OF SERVICE**

I, Fran Koppel, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 9100 Wilshire Boulevard, Suite 615-East, Beverly Hills, California 90012. On November 1, 2005, I caused the attached 60-DAY NOTICE LETTER, or a letter identical in substance, to be served by First Class Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date, by Certified Class Mail, I caused the attached 60 DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent to the private business entity addressees in the United States also listed on the attached SERVICE LIST and by FedEx next day delivery to the addressee in Vancouver, Canada. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on November 1, 2005, at Beverly Hills, California.

  
Fran Koppel



**NEAL T.  
WIENER**

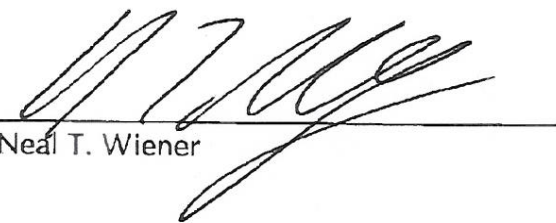
ATTORNEY AT LAW  
9100 WILSHIRE BOULEVARD  
SUITE 615 • EAST TOWER  
BEVERLY HILLS, CALIFORNIA 90212  
(310) 276-2889 / FAX (310) 276-0774

**CERTIFICATE OF MERIT**  
**Health & Safety Code Section 25249.7(d)**

I, Neal T. Wiener, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 1, 2005

  
Neal T. Wiener

## SERVICE LIST

Edward G. Weil Deputy Attorney General Office of the Attorney General P. O. Box 70550	Office of the District Attorney County of Sonoma 600 Administration Dr., #212J Santa Rosa, CA 95403-2876	Office of the District Attorney County of Tehama P. O. Box 519 Red Bluff, CA 96080-0519	Office of the District Attorney County of San Bernardino 316 Mt. View Avenue San Bernardino, CA 94208
Oakland, CA 94612-0550 Office of the District Attorney County of Glenn P. O. Box 430 Willows, CA 95988-0430	Office of the District Attorney City of Sacramento 980 9 <sup>th</sup> St., 10 <sup>th</sup> Floor Sacramento, CA 95814	Office of the City Attorney City of San Diego 202 C Street, Floor 3 San Diego, CA 92101	Office of the District Attorney County of Tuolumne 2 South Green Street Sonora, CA 95370
Office of the District Attorney County of Monterey 240 church Street Salinas, CA 93902-0180	Office of the District Attorney County of Inyo P. O. Box D Independence, CA 935260604	Office of the District Attorney County of Lake 255 North Forbes St., #424 Lakeport, CA 95453	Office of the District Attorney County of Amador 108 Court Street, Suite 202 Jackson, C 95642
Office of the District Attorney County of County of Siskiyou P. O. Box 986 Yreka, CA 96097-0986	Office of the District Attorney County of Orange 700 Civic Center Drive, West A-200 Santa Ana, CA 92701	Office of the District Attorney County of Sacramento P. O. Box 749 Sacramento, CA 95812-0749	Office of the District Attorney County of San Diego 101 West Broadway, #1440 San Diego, CA 92101
Office of the City Attorney City of Oakland 505 14 <sup>th</sup> Street, 12 <sup>th</sup> Floor Oakland, Ca 94612-1406	Office of the District Attorney County of Stanislaus 1100 I Street, #200 Modesto, CA 95354-2325	Office of the District Attorney County of Trinity P. O. Box 310 Weaverville, CA 96093-0310	Office of the District Attorney County of Ventura 4245 Market Street, #205 Ventura, CA 93003
Office of the District Attorney County of Humboldt 825 5 <sup>th</sup> Street Eureka, CA 95501-1107	Office of the City Attorney City of San Jose 151 West Mission Street San Jose, CA 95110	Office of the District Attorney County of Alameda 225 Fallon Street, #9 Oakland, CA 94612	Office of the District Attorney County of Butte 25 County Center Drive Oroville, CA 95965
Office of the District Attorney County of Napa 931 Parkway Mall Napa, CA 94559-2860	Office of the District Attorney County of Kern 1215 Trustun Ave, Floor 4 Bakersfield, CA 93301	Office of the District Attorney County of Lassen County Administration Bldg. 707 Nevada Street Susanville, CA 96130	Office of the District Attorney County of Madera 209 Yosemite Avenue Madera, CA 93637
Office of the District Attorney County of Solano 600 Union Avenue Fairfield, CA 94533-6326	Office of the District Attorney County of Place 11562 B Avenue Auburn, CA 95603	Office of District Attorney County of San Benito 419 4 <sup>th</sup> Street Hollister, CA 95023	Office of the District Attorney County of San Francisco 850 Bryant Street, #322 San Francisco, CA 94103
Office of the City Attorney City of San Francisco City Hall, Room 206 400 Van Ness San Francisco, CA 94102-4630	Office of the District Attorney County of Sutter 1160 Civic Center Blvd., #A Yuba City, CA 95993	Office of the District Attorney County of Tulare County Civic Center 221 S. Mooney Blvd., Room 224 Visalia, CA 93291	Office of the District Attorney County of San Joaquin 222 E. Weber Ave., #202 Stockton, CA 95202
Office of the District Attorney County of Imperial Courthouse Floor 2 939 West Main Street El Centro, CA 92243-2860	Office of the City Attorney City of Los Angeles 200 North Main Street Los Angeles, CA 90012	Office of the District Attorney County of Alpine P. O. Box 248 Markleeville, CA 96120	Office of the District Attorney County of Yolo 204 4 <sup>th</sup> Street Woodland, Ca 95776
Office of the District Attorney County of Nevada 201 Church Street, Suite 8 Nevada City, CA 95959-2860	Office of the District Attorney County of Kings 1400 west Lacy Blvd. Hanford, CA 93230	Office of the District Attorney County of Los Angeles 18000 Criminal Court Bldg. 210 West Temple Street Los Angeles, CA 90012	Office of the District Attorney County of Calaveras Government Center 891 Mountain Ranch Road San Andreas, CA 95249
	Office of the District Attorney County of Plumas 520 Main Street, Room 404 Quincy, CA 95971		Office of the District Attorney County of Marin 3501 Civil Center Dr., Rm 130 San Rafael, CA 94903

**ATTORNEY GENERAL COPY CONTAINS OFFICIAL INFORMATION  
PURSUANT TO EVIDENCE CODE § 1040**



Office of the District Attorney County of San Luis Obispo County Government Ctr., #450 San Luis Obispo, CA 93408	Office of the District Attorney County of Santa Cruz 701 Ocean Street, #200 Santa Cruz, CA 95060	Office of the District Attorney County of Solano 600 Union Avenue Fairfield, CA 94533-6326	Office of the District Attorney County of Sutter 1160 Civic Center Blvd., #A Yuba City, CA 95993
Office of the District Attorney County of Yuba 215 5 <sup>th</sup> Street Marysville, CA 95901	Office of the District Attorney County of Fresno 2220 Tulare Street, #1000 Fresno, CA 93721	Office of the City Attorney City of San Francisco City Hall, Room 206 400 Van Ness San Francisco, CA 94102-4630	Office of the City Attorney City of Los Angeles 200 North Main Street Los Angeles, CA 90012
Office of the District Attorney County of Colusa 547 Market Street Colusa, CA 95932	Office of the District Attorney County of Mono P. O. Box 617 Bridgeport, CA 93517-0617	Office of the District Attorney County of Imperial Courthouse Floor 2 939 West Main Street El Centro, CA 92243-2860	Office of the District Attorney County of Kings 1400 west Lacy Blvd. Hanford, CA 93230
Office of the District Attorney County of Mariposa P. O. Box 748 Mariposa, CA 95338	Office of the District Attorney County of Shasta 1525 Court Street Redding, CA 96001	Office of the District Attorney County of Nevada 201 Church Street, Suite 8 Nevada City, CA 95959-2860	Office of the District Attorney County of Plumas 520 Main Street, Room 404 Quincy, CA 95971
Office of the District Attorney County of San Mateo 400 County Center Redwood City, CA 94063	Office of the District Attorney County of Sierra P. O. Box 457 Downieville, CA 95936-0457	Office of the District Attorney County of Sonoma 600 Administration Dr., #212J Santa Rosa, CA 95403-2876	Office of the District Attorney County of Tehama P. O. Box 519 Red Bluff, CA 96080-0519
Office of the District Attorney County of Contra Costa P. O. Box 670 Martinez, CA 94553-0670	Office of the District Attorney County of Riverside 4075 Main Street Riverside, CA 92501-3707	Office of the District Attorney City of Sacramento 980 9 <sup>th</sup> St., 10 <sup>th</sup> Floor Sacramento, CA 95814	Office of the City Attorney City of San Diego 202 C Street, Floor 3 San Diego, CA 92101
Office of the District Attorney County of Mendocino 301 South State Street Ukiah, CA 95482	Eward G. Weil Deputy Attorney General Office of the Attorney General P. O. Box 70550 Oakland, CA 94612-0550	Office of the District Attorney County of Inyo P. O. Box D Independence, CA 935260604	Office of the District Attorney County of Lake 255 North Forbes St., #424 Lakeport, CA 95453
Office of the District Attorney County of Santa Barbara 1105 Santa Barbara Street Santa Barbara, CA 93101	Office of the District Attorney County of Glenn P. O. Box 430 Willows, CA 95988-0430	Office of the District Attorney County of Orange 700 Civic Center Drive, West A-200 Santa Ana, CA 92701	Office of the District Attorney County of Sacramento P. O. Box 749 Sacramento, CA 95812-0749
Office of the District Attorney County of Del Norte 450 H Street, #171 Crescent City, CA 95531	Office of the District Attorney County of Monterey 240 church Street Salinas, CA 93902-0180	Office of the District Attorney County of Stanislaus 1100 I Street, #200 Modesto, CA 95354-2325	Office of the District Attorney County of Trinity P. O. Box 310 Weaverville, CA 96093-0310
Office of the District Attorney County of Merced 2222 M Street Merced, CA 95340	Office of the District Attorney County of County of Siskiyou P. O. Box 986 Yreka, CA 96097-0986	Office of the City Attorney City of San Jose 151 West Mission Street San Jose, CA 95110	Office of the District Attorney County of Alameda 225 Fallon Street, #9 Oakland, CA 94612
Office of the District Attorney County of Santa Clara 70 West Hedding Street San Jose, CA 95110	Office of the City Attorney City of Oakland 505 14 <sup>th</sup> Street, 12 <sup>th</sup> Floor Oakland, CA 94612-1406	Office of the District Attorney County of Kern 1215 Trustun Ave, Floor 4 Bakersfield, CA 93301	Office of the District Attorney County of Lassen County Administration Bldg. 707 Nevada Street Susanville, CA 96130
Office of the District Attorney County of El Dorado 515 Main Street Placerville, CA 95667	Office of the District Attorney County of Humboldt 825 5 <sup>th</sup> Street Eureka, CA 95501-1107	Office of the District Attorney County of Place 11562 B Avenue Auburn, CA 95603	Office of District Attorney County of San Benito 419 4 <sup>th</sup> Street Hollister, CA 95023
Office of the District Attorney County of Modoc P. O. Box 1171 Alturas, CA 96101-1171	Office of the District Attorney County of Napa 931 Parkway Mall Napa, CA 94559-2860		

**ATTORNEY GENERAL COPY CONTAINS OFFICIAL INFORMATION  
PURSUANT TO EVIDENCE CODE § 1040**

Office of the District Attorney County of Tulare County Civic Center 221 S. Mooney Blvd., Room 224 Visalia, CA 93291 Office of the District Attorney County of Alpine P. O. Box 248 Markleeville, CA 96120	Office of the District Attorney County of Yolo 204 4 <sup>th</sup> Street Woodland, Ca 95776	Office of the District Attorney County of Merced 2222 M Street Merced, CA 95340
Office of the District Attorney County of Los Angeles 18000 Criminal Court Bldg. 210 West Temple Street Los Angeles, CA 90012	Office of the District Attorney County of San Mateo 400 County Center Redwood City, CA 94063	Office of the District Attorney County of Santa Clara 70 West Hedding Street San Jose, CA 95110
Office of the District Attorney County of San Bernardino 316 Mt. View Avenue San Bernardino, CA 94208	Office of the District Attorney County of Contra Costa P. O. Box 670 Martinez, CA 94553-0670	Office of the District Attorney County of El Dorado 515 Main Street Placerville, CA 95667
Office of the District Attorney County of Tuolumne 2 South Green Street Sonora, CA 95370	Office of the District Attorney County of Calaveras Government Center 891 Mountain Ranch Road San Andreas, CA 95249	Office of the District Attorney County of Modoc P. O. Box 1171 Alturas, CA 96101-1171
Office of the District Attorney County of Amador 108 Court Street, Suite 202 Jackson, C 95642	Office of the District Attorney County of Marin 3501 Civil Center Dr., Room 130 San Rafael, CA 94903	Office of the District Attorney County of Santa Cruz 701 Ocean Street, #200 Santa Cruz, CA 95060
Office of the District Attorney County of San Diego 101 West Broadway, #1440 San Diego, CA 92101	Office of the District Attorney County of San Louis Obispo County Government Ctr., #450 San Luis Obispo, CA 93408	Office of the District Attorney County of Fresno 2220 Tulare Street, #1000 Fresno, CA 93721
Office of the District Attorney County of Ventura 4245 Market Street, #205 Ventura, CA 93003	Office of the District Attorney County of Yuba 215 5 <sup>th</sup> Street Marysville, CA 95901	Office of the District Attorney County of Mono P. O. Box 617 Bridgeport, CA 93517-0617
Office of the District Attorney County of Butte 25 County Center Drive Oroville, CA 95965	Office of the District Attorney County of Colusa 547 Market Street Colusa, CA 95932	Office of the District Attorney County of Shasta 1525 Court Street Redding, CA 96001
Office of the District Attorney County of Madera 209 Yosemite Avenue Madera, CA 93637	Office of the District Attorney County of Mariposa P. O. Box 748 Mariposa, CA 95338	Office of the District Attorney County of Sierra P. O. Box 457 Downieville, CA 95936-0457
Office of the District Attorney County of San Francisco 850 Bryant Street, #322 San Francisco, CA 94103	Office of the District Attorney County of Mendocino 301 South State Street Ukiah, CA 95482	Office of the District Attorney County of Riverside 4075 Main Street Riverside, CA 92501-3707
Office of the District Attorney County of San Joaquin 222 E. Weber Ave., #202 Stockton, CA 95202	Office of the District Attorney County of Santa Barbara 1105 Santa Barbara Street Santa Barbara, CA 93101	FDA Ctr. for Food Safety and Applied Nutrition ONPLDS 5100 Paint Branch Pkwy College Park, MD 20740